IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34223 of 2006(Y)

OP.MV.549/2000 of MACT,TRIVANDRUM

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PETITIONER:

ANIL KUMAR, S/O.KRISHNAN NAIR,
AGED 41 YEARS, RESIDING AT CHOTTANIKKARA VEEDU,
JUDGE LANE, SASTHAMANGALAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO THE GOVERNMENT,
THIRUVANANTHAPURAM.

2. DEPUTY TAHSILDAR (REVENUE RECOVERY)
THIRUVANANTHAPURAM.

3. SUMANGALA DEVI,
D/O.LATE BHANUMATHY AMMA, KIZHAKKE
ARUVIKARA MADOM, TC.40/1116 (1) SARAS,
MANACAUD, THIRUVANANTHAPURAM.

4. JAYADAS, S/O.HARIS,
CHERUVILA VEEDU, VALIYAVAZHI,
CHILAMPARA, MANCHAMCODE, THIRUVANANTHAPURAM.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.34223 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is first respondent in O.P.(M.V) 549/2000 on the file of Motor Accidents Claims Tribunal, Thiruvananthapuram. Under Ext.P2 dated 10/4/2003 award was passed against petitioner and second respondent. Ext.P2 order shows that petitioner did not contest the case. When the claimant in O.P. (M.V) 549/00 filed execution petition and award was sent to the District Collector for realisation of the amount and revenue recovery was initiated, petitioner approached this court by filing W.P.C.25825/06. Under Ext.P5 judgment this court directed petitioner to approach M.A.C.T for appropriate relief. Thereafter petitioner filed an application to set aside the award contending that he was not served with a notice in the O.P. and he was unaware of the proceedings of the award and it is to be set aside. When further steps were initiated under revenue recovery proceedings, petitioner filed Ext.P6 application for

an order of stay of the notice issued against him from recovery of the amount due as per the award. This petition is filed under Article 227 of Constitution of India contending that M.A.C.T is not passing orders either in Ext.P4 or in Ext.P6 applications.

2. Learned counsel appearing for petitioner was heard.

3. Learned counsel appearing for petitioner submits that he is prepared to furnish sufficient security before the M.A.C.T and the Tribunal may be directed to dispose Ext.P6 order as expeditiously as possible. This petition is disposed directing M.A.C.T., Thiruvananthapuram to dispose of Ext.P6 petition filed by petitioner to stay the proceedings initiated against him pursuant to the award. The Tribunal may also dispose Ext.P4 application, as expeditiously as possible, if steps are over. To enable petitioner to get an order from M.A.C.T the revenue recovery proceedings are to be kept in abeyance for two weeks.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.